

REMARKS

In response to the final Office Action dated May 1, 2008, the Assignee respectfully requests continued examination and reconsideration based on the above amendments and on the following remarks.

Claims 1-20 are pending in this application. Claims 21-29 were previously canceled without prejudice or disclaimer.

Telephone Interview

Examiner Peng is thanked for the telephone interview of July 9, 2008. The amendments to the claims were discussed and, especially, the claimed “*wrapper*” that surrounds the EPG “cells” of a PPV package. According to the examiner, the most pertinent reference is the cited document to *Swix*, which highlights EPG programs according to topic. As the undersigned explained, though, the claimed “*wrapper*” is not equivalent to *Swix*’s topical highlights. Examiner Peng said another search would be performed.

Rejections of Claims 1-4, 7-11 & 14-20 under §103(a)

Claims 1-4, 7-11, and 14-20 are rejected under 35 U.S.C. §103 (a) as allegedly being unpatentable over U.S. Patent 6,016,141 to Knudson, *et al.* in view of “NFL.COM: 1997 regular season to get August start” (hereafter “*NFL.COM*”), and further in view of PCT Publication No. WO 00/14954 to Swix, *et al.*

Claims 1-4, 7-11, and 14-20, however, are not obvious over the proposed combination of *Knudson ‘141*, *NFL.com*, and *Swix*. These claims recite, or incorporate, many features that are not disclosed by the combined teaching of *Knudson ‘141*, *NFL.com*, and *Swix*. Independent claim 1, for example, recites “*generating an electronic programming guide, the electronic programming guide having a programming grid of cells that simultaneously lists a wrapper*

associated with each package and each package's associated events, the wrapper surrounding all the cells in the programming grid that are associated with the events for each package" (emphasis added). Support for these features may be found at least in the as-filed application at page 8, lines 18-18, at page 9, lines 6-8, at page 17, lines 10-13, and at FIGS. 4-14. Independent claim 1 also recites *"the electronic programming guide having a first mode in which inputs to a navigator scroll from one wrapper to another wrapper of different packages of programming"* and *"the electronic programming guide having a second mode in which inputs to the navigator scroll from a cell associated with an event in a package to another cell associated with another event within the same package"* (emphasis added). Support for these features may be found at least in the as-filed application at page 8, line 19 through page 9, line 1, at page 9, lines 6-12. Independent claim 1 is reproduced below, and independent claims 8, 10, and 15 recite similar features.

1. A method for allowing programming providers to offer subscribers programming events, the method comprising:
 - a. associating events spanning multiple channels over non-contiguous time slots to create packages of programming;
 - b. generating an electronic programming guide, the electronic programming guide having a programming grid of cells that simultaneously lists a wrapper associated with each package and each package's associated events, the wrapper surrounding all the cells in the programming grid that are associated with the events for each package, the programming grid also simultaneously listing a start time and a stop time of each event associated with each package;
 - the electronic programming guide having a first mode in which inputs to a navigator scroll from one wrapper to another wrapper of different packages of programming, and
 - the electronic programming guide having a second mode in which inputs to the navigator scroll from a cell associated with an event in a package to another cell associated with another event within the same package;
 - c. recognizing the non-contiguous events;
 - d. in response to recognizing the non-contiguous events, prompting to switch from the first mode to the second mode;
 - e. detecting a keystroke input to a control device;

- f. if the keystroke input is a cursor key to the navigator, then determining whether the electronic programming guide is in the first mode or the second mode; and
- g. if the keystroke input is not the cursor key to the navigator, then determining whether the keystroke input is a zoom key.

The combined teaching of *Knudson '141*, *NFL.com*, and *Swix* fails to teach or suggest all these features. *Knudson '141*, *NFL.com*, and *Swix* have all been thoroughly discussed in previous responses to office actions, so a detailed discussion of each document is not necessary. In this latest office action, the Office now interprets *Knudson '141* to disclose the claimed “*first mode*” and “*second mode*,” and the Office cites to FIGS. 2 and 8 and to column 7, lines 31-48.

Knudsen, however, does not teach or suggest the cellular details recited by the independent claims. *Knudsen*’s FIG. 2 illustrates a conventional programming grid of programming for different channels. If a highlighted cell is a pay program, “the system determines whether the program is part of a package.” U.S. Patent 6,016,141 to *Knudson, et al.* at column 4, lines 58-61. “If the program is part of a package, information about the program is provided to the user.” *Id.* at column 4, lines 63-64. As *Knudsen*’s FIG. 3 illustrates, another screen is produced that lists the package title, the package’s programming components, and other information. As the Office should now realize, though, *Knudsen* does not teach or suggest “the wrapper surrounding all the cells in the programming grid that are associated with the events for each package,” as the independent claims recite (emphasis added). *Knudsen* also fails to teach or suggest “the electronic programming guide having a first mode in which inputs to a navigator scroll from one wrapper to another wrapper of different packages of programming” and “the electronic programming guide having a second mode in which inputs to the navigator scroll from a cell associated with an event in a package to another cell associated with another event within the same package” (emphasis added). *Knudsen*, quite simply, does not provide the cellular programming package details as recited by the independent claims.

Swix also fails to teach or suggest the cellular details recited by the independent claims. *Swix* describes a programming grid that highlights topical programming. See PCT Publication No. WO 00/14954 to *Swix, et al.* at page 14, line 24 through page 15, line 10. When the user

selects a topic from a list of topics, then channels and/or program titles are highlighted in the programming grid. *See id.* at page 15, lines 10-14. This highlighting makes the program titles related to the topic “stand out” in the grid. *Id.* at page 15, lines 14-16. Still, though, *Swix* fails to teach or suggest “the wrapper surrounding all the cells in the programming grid that are associated with the events for each package,” as the independent claims recite (emphasis added). *Swix* also fails to teach or suggest “the electronic programming guide having a first mode in which inputs to a navigator scroll from one wrapper to another wrapper of different packages of programming” and “the electronic programming guide having a second mode in which inputs to the navigator scroll from a cell associated with an event in a package to another cell associated with another event within the same package” (emphasis added). *Swix*, then, does not provide the cellular programming package details as recited by the independent claims.

NFL.com also fails to cure *Knudsen’s* and *Swix’s* deficiencies. *NFL.com* has been thoroughly discussed in previous responses to office actions, so another detailed discussion is unnecessary. *NFL.com* simply fails to teach or suggest the cellular details recited by the independent claims.

The proposed combination of *Knudson ‘141*, *NFL.com*, and *Swix*, then, cannot obviate claims 1-4, 7-11, and 14-20. The independent claims recite many features that are not taught or suggested by the proposed combination of *Knudson ‘141*, *NFL.com*, and *Swix*. Their respective dependent claims incorporate these features and recite additional features. One of ordinary skill in the art would not think that claims 1-4, 7-11, and 14-20 are obvious, so the Office is respectfully requested to remove the § 103 (a) rejection of these claims.

Rejections of Claims 5-6 & 12-13 under § 103 (a)

Claims 5-6 and 12-13 were rejected under 35 U.S.C. § 103 (a) as allegedly being unpatentable over *Knudson ‘141*, *NFL.com*, and *Swix*, and further in view of U.S. Patent 6,604,240 to Ellis, *et al.* Claims 5-6 and 12-13, however, are not obvious over the combined teaching of *Knudson ‘141*, *NFL.com*, *Swix*, and *Ellis*. These claims depend, respectively, from

independent claims 1 and 10 and, thus, incorporate the same distinguishing features. As the above paragraphs explained, *Knudson '141*, *NFL.com*, and *Swix* do not teach or suggest all the features recited by independent claims 1 and 10, and *Ellis* does not cure these deficiencies. The patent to *Ellis, et al.* discloses an interactive program guide in which a service provider customizes the listing information in order to help the service provider promote programming. *Ellis*, however, has been thoroughly discussed in previous responses to office actions, so a detailed discussion is not necessary. Still, though, the combined teaching of *Knudson '141*, *NFL.com*, *Swix*, and *Ellis* remains silent to all the features independent claims 1 and 10, from which claims 5-6 and 12-13 respectively depend. One of ordinary skill in the art, then, would not think that claims 5-6 and 12-13 are obvious so the Office is respectfully requested to remove the § 103 (a) rejection of these claims.

If any issues remain outstanding, the Office is requested to contact the undersigned at (919) 469-2629 or scott@scottzimmerman.com.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott P. Zimmerman", is written over a faint, circular, dotted background.

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